

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

---

CALVIN FIELDING, SR.	:	
	:	
Plaintiff,	:	Civil Action No. 2:21-02737
	:	
v.	:	
	:	JURY TRIAL DEMANDED
	:	
MTGLQ INVESTORS, LP; BANK OF	:	
AMERICA; MORTGAGE LENDERS	:	
NETWORK USA, INC.; NORMANY	:	
MORTGAGE ACQUISITION COMPANY	:	
LLC C/O THE PALISADES GROUP LLC;	:	
RUSHMORE LOAN MANAGEMENT	:	
SERVICES, LLC; LEX SPECIAL ASSETS,	:	
LLC; AND CHRISTIANA TRUST, A	:	
DIVISION OF WILMINGTON SAVINGS	:	
FUND SOCIETY, FSB,	:	
Defendants.	:	

---

**BANK OF AMERICA, N.A.’S EMERGENCY MOTION TO  
WITHDRAW NOTICE OF REMOVAL**

COMES NOW Defendant Bank of America, N.A. (“BANA”), by and through the undersigned counsel, and hereby requests that the Court deem withdrawn its previously-filed Notice of Removal in the above matter and remand this action back to the Court of Common Pleas of Philadelphia County, Pennsylvania, on the following grounds:

1. On June 18, 2021, BANA filed a Notice of Removal in the above-captioned matter, removing this action from the Court of Common Pleas of Philadelphia County at Docket No. 210302465 to this Court
2. On Sunday, June 20, 2021, the Court of Common Pleas of Philadelphia docketed an Order dated June 9, 2021, which granted the pending Preliminary Objections filed on behalf of Defendants Rushmore Loan Management Service, LLC and MTGLQ Investors, LP. The Order dismissed Plaintiff’s Complaint with prejudice.

3. The Order was docketed two days after BANA filed its Notice of Removal. *See* Docket Report for Case No. 210302465 attached as **Exhibit A**; *see* June 9, 2021 Order attached as **Exhibit B**. Because the Philadelphia Court of Common Pleas dismissed the action via an Order dated June 9, 2021, the Notice of Removal is moot.

WHEREFORE, Defendant Bank of America, N.A. by counsel, respectfully requests that the Court grant the instant Motion and remand this action back to the Court of Common Pleas of Philadelphia County at Docket No. 210302465.

Respectfully submitted,

Dated: June 22, 2021

By: /s/ Mary L. O'Rourke  
Mary L. O'Rourke, Esq.  
PA ID No. 316392  
McGuireWoods LLP  
Tower Two-Sixty  
260 Forbes Avenue, Suite 1800  
Pittsburgh, Pennsylvania 15222  
T: 412-667-6054  
F: 412-402-4164  
morourke@mcguirewoods.com  
*Attorneys for Bank of America, N.A.*